

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Urban Land (Ceiling & Regulation) Act, 1976 – Visakhapatnam Urban Agglomeration – Cancellation of allotment issued in G.O.Ms.No.506, Revenue (UC. I) Department, dt.01.05.2006 in favour of 3<sup>rd</sup> party occupant Sri Y. Chowdari Rao, S/o. late Raghavayya – Exemption of the surplus land in favour of Smt. Chintakayala Arundhati, W/o. late Jogendra Pradesh – Orders - Issued.

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REVENUE (UC. IV) DEPARTMENT

G.O.Ms.No.388

Dated:02.03.2009.

Read the following:-

1. G.O.Ms.No.506, Revenue (UC. I) Department, dt.01.05.2006.
2. G.O.Ms.No.1007, Revenue (UC. I) Department, dt.21.07.2007.
3. From Special Officer, Urban Land Ceiling, Visakhapatnam letter No.GE1/000003/06/B2, dt.20.08.2007.
4. Govt.Memo.No.46709/UC. I(2)/2007, dt.05.10.2007.
5. From Special Officer, Urban Land Ceiling, Visakhapatnam letter No.GE1/000003/06/B2, dt.29.01.2008.
6. Govt. Memo.No.46709/UC. I(2)/2007, dt.19.03.2008.
7. From Smt. Ch. Arundhati, W/o. late Jogendra Prasad representation dt.NIL.
8. Govt.Memo.No.46709/UC. I(2)/2007, dt.10.09.2008.
9. From Sri Y. Chowdari Rao representation dt.19.09.2008.
10. From the Special Officer, Urban Land Ceiling, Visakhapatnam Letter No.GE1/000003/06/B2, dt.12.01.2009.

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O R D E R:-

Whereas, in the G.O. 1<sup>st</sup> read above, Government have issued orders allotting under section 23(4) of the principal Act, 1976 the excess land to an extent of 108.00 sq.mtrs., in Sy.No.56/1A2A of Butchirajupalem Village, falling in Ward No.44 of Visakhapatnam Municipal Corporation in favour of Sri Y. Chowdari Rao, S/o. late Raghavayya, who is reported to be in possession of the excess land supported by Registered document No.4489/1987, dt.30.06.1987 and also paid Rs.20,225/- towards compensation in terms of G.O. 455.

2. Whereas, in the G.O. 2<sup>nd</sup> read above, Government have issued orders exempting under section 20(1)(a) of the principal Act, 1976, the excess land to an extent of 956.00 sq.mtrs., in Sy.No.56/1A2A of Butchirajupalem Village out of an extent of 1064.00 sq.mtrs., in favour of Smt. Chintakayala Arundhati, W/o. late Jogendra Prasad duly cancelling the allotment made earlier in favour of District Registrar, Visakhapatnam vide G.O.Ms.No.1156, Revenue (UC. I) Department, dt.20.11.1991.

3. Whereas, in the letter 3<sup>rd</sup> read above, the Special Officer, Urban Land Ceiling, Visakhapatnam has submitted that Sri Y. Chowdari Rao has purchased an extent of 240 sq.yds., in Sy.No.56/2 of Butchirajupalem from Pikki Joga Rao, Rama Rao, Narayana Rao, S/os. Late Ramanayya vide Document No.4489/87, dt.30.06.1987 and also noted that the property vested with their parents. Sri Y. Chowdari Rao filed O.S. No.3023/2001 against the Vice Chairman, VUDA, Visakhapatnam in the II<sup>nd</sup> Additional

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Junior Civil Judge, Visakhapatnam in respect of the land in Sy.No.56/1 and 56/2A and same was dismissed on 09.02.2004. The Sy.No.56/1 of Butchirajupalem Village recorded in the name of Sri Chintakayala Jogendra Prasad for an extent of Ac. 2.16 cts., in Settlement Register copy issued by the HDT., Mandal Revenue Officer, Visakhapatnam and the Special Officer, Urban Land Ceiling, Visakhapatnam has, therefore, requested to cancel the regularization orders issued in G.O. 506 in favour of Sri Y. Chowdari Rao, S/o. Raghavayya and also requested to grant exemption of the same extent in the name of Smt. Chintakayala Arundathi, W/o. Jogender Prasad.

4. In reply to the show cause notice dt.05.10.2007, Sri Y. Chowdari Rao has stated that he purchased 240 sq.yds., from Sri Pakki Joga Rao and others vide Registered Sale Deed dt.30.06.1987 and he constructed a compound wall and he was in possession and enjoyment of the property. In the G.O. 506, dt.01.05.2006, Government has issued regularization orders for an extent of 108.00 sq.mtrs., in his favour in terms of G.O. 455. He also stated that the proceedings are totally unjust and illegal and irrespective of the survey sub-division number, the identity of the property is never in dispute. The proposal to cancel the allotment on the ground that the vendors are entitled to the land in Sy.No.56/2 but not in Sy.No.56/A2A is not at all reasonable. Moreover the provisions of section 20(2) are not applicable to the present case and the circumstances set out in the said provision are also not present in the instant case for cancellation of the allotment. Moreover, as per G.O.456, the same shall not apply to lands already allotted by the Government under section 23. He has, therefore, requested to drop further proceedings.

5. Whereas, in the letter 5<sup>th</sup> read above, the Special Officer, Urban Land Ceiling, Visakhapatnam has stated that the individual has violated the condition as he has not got any right over the land in Sy.No.56/1 and the individual is entitled only to the land in Sy.No.56/2 of Butchirajupalem Village, but not the land in Sy.No.56/1.

6. Whereas, in Govt. Memo. 6<sup>th</sup> read above, the Special Officer, Urban Land Ceiling, Visakhapatnam was informed that there is no need to cancel the orders issued in G.O. 506.

7. Whereas, in her representation 7<sup>th</sup> read above, Smt. Arundathi has submitted that Sri Y. Chowdari Rao, S/o. Raghavaiah obtained exemption for the 108 sq.mtrs., in G.O. 506, dt.01.05.2006, by misleading the ULC Authority. Sri Y. Chowdari Rao has filed a suit in O.S.No.3023/01 on the file of the Hon'ble II AJCJ., Visakhapatnam and the same was dismissed on the ground that he is not in possession of the land covered by Sy.No.56/1A2A. She further stated that at present she is having possession and enjoyment of the excess land of 108 sq.mtrs., belongs to her husband and therefore, requested to grant exemption in her favour in respect of the extent of 108 sq.mtrs., in Sy.No.56/1A2A of Butchirajupalem Village, Visakhapatnam.

8. Whereas, the Government have carefully examined the representation of Smt. Ch. Arundathi and provisionally decided to cancel the allotment made in favour of Sri Y. Chowdari Rao in G.O.Ms.No.506, Revenue (UC. I) Department, dt.01.05.2006 and exempt the land in favour of Smt. Ch. Arundathi and accordingly, in the reference 8<sup>th</sup> read above, Sri Y. Chowdari Rao was directed to show cause as to why the allotment orders in his name should not be cancelled and also directed to attend the personal hearing on 27.09.2008.

9. Whereas, in his written statement 9<sup>th</sup> read above, Sri Y. Chowdari Rao has submitted that he purchased the land of 240 sq.yds., in Sy.No.56/2 of Butchirajupalem Village from Sri Pakki Joga Rao and others vide Registered Sale Deed dt.30.06.1987 and permission under ULC was granted on 12.06.1987 and since then he is in possession and enjoyment of the land by constructing a compound wall. He filed O.S.No.3023/2001 for permanent injunction and the VUDA contended that the land was allotted to them by ULC Authorities and the suit was ultimately dismissed vide judgment dt.09.09.2004. Later he applied for regularization by fulfilling all the formalities and the Government in G.O.Ms.No.506, Revenue (UC. I) Department, dt.01.05.2006, have regularized his possession of the property. He has submitted that he is in possession and enjoyment of the property for the last 21 years after having purchased the same and got ULC permission and also submitted that it is unjust to propose to cancel the allotment and requested to drop the show cause notice.

10. Whereas, in the letter 10<sup>th</sup> read above, the Special Officer, Urban Land Ceiling, Visakhapatnam has submitted that Sri Jogendra Prasad is the declarant in C.C.No.6041A/76 and Smt. Ch. Arundhati is the only legal heir to Sri Jogendra Prasad, who expired on 18.06.1984. Sri Ch. Jogendra Prasad has been declared as surplus land holder to an extent of 0.1064 sq.mtrs., of Butchirajupalem Village of Visakhapatnam Urban Agglomeration. The above land is ancestral property devolved to Sri Jogendra Prasad. The land has been taken possession and was handed over to the District Registrar, Visakhapatnam on 11.03.1992 as per the orders issued in G.O.Ms.No.1156, Revenue (UC. I) Department, dt.20.11.1991 u/s 23, but the allottee Department has not utilized the land and the same was again handed over to VUDA on 21.05.2001 for disposal in public auction as per the orders issued in G.O.Ms.No.166, Revenue (UC. I) Department, dt.03.03.01. Smt. Ch. Arundhati, W/o. Ch. Jogendra Prasad has filed O.S.No.406/2005 before the Hon'ble Court of II<sup>nd</sup> Addl. Senior Civil Judge, Visakhapatnam against the authorities of VUDA and Special Officer, Urban Land Ceiling, Visakhapatnam. The Vice Chairman, VUDA has instructed to return the lands to the Special Officer where litigations are pending for necessary action and to pursue the court cases. Later, the Vice Chairman, VUDA, Visakhapatnam has forwarded the application filed by Smt. Ch. Arundhati for regularization of land in Sy.No.56/1A2A of Butchirajupalem Village. During enquiry it is revealed that the land of 0.0956 sq.mtrs., situated in Sy.No.56/1A2A of Butchirajupalem Village is vacant on ground and in peaceful possession of the Declarant's wife and Government in G.O.1007, Revenue (UC. I) Department, dt.21.07.2007, regularized the land in terms of G.O. 456.

11. She further submitted that Sri Y. Chowdari Rao purchased an extent of 200.64 sq.mtrs., in Sy.No.56/2 of Butchirajupalem from S/Sri Pakki Jogarao, Pakki Ramarao and Pakki Narayanarao, S/os. Late Pakki Ramanayya vide Document No.4489/87, dt.30.06.1987 and also mentioned that he is in possession of the property and constructed a compound wall around the site. By the time of inspection it was found that the individual was in encroachment of an extent of 0.0108 sq.mtrs., in Sy.No.56/1A2A, of Butchirajupalem which was declared as surplus against the holding of Sri Ch. Jogendra Prasad in C.C.No.6041-A/76. On verification of the records, the Sy.No.56/1 of Butchirajupalem Village was recorded in the name of Sri Chintakayala Jogendra Prasad for an extent of Ac. 2.16 cts., in Settlement Register copy issued by the then Headquarters Deputy Tahsildar, Mandal Revenue Office, Visakhapatnam.

12. The Special Officer, Urban Land Ceiling, Visakhapatnam further submitted that the land purchased by Sri Y. Chowdari Rao from S/Sri Pakki Jogarao, Pakki Ramarao and Pakki Narayanarao, sons of late Pakki Ramanayya, is in the Sy.No.56/2 of Butchirajupalem Village, from, which was not at all declared under Urban Land (Ceiling & Regulation) Act, 1976 and purely private zeroyithi land and as seen from the 10(1) Adangal copy issued by the M.R.O., Visakhapatnam (Urban), produced by the individual, Patta No.74 stood registered in the name of Sri Pakki Venkataramana, S/o. Adinarayana in Sy.No.56/2, classified as DRY and a Certificate of encumbrance on property was also given by the Registrar, Visakhapatnam in favour of Sri Y. Chowdari Rao, S/o. Raghavaiah in Sy.No.56/2 only. The individual was in encroachment of an extent of 0.0108 sq.mtrs., in Sy.No.56/1A2A which was not devolved to him by any way from the declarant Sri Ch. Jogendra Prasad or his legal heirs. The land measuring 108.00 sq.mtrs., was regularized in G.O.Ms.No.506, Revenue (UC. I) Department, dt.01.05.2006 in favour of Sri Y. Chowdari Rao is not covered by Registered Document executed by declarant except a stray foundation and no structure is existing in the land. The Special Officer, Urban Land Ceiling, Visakhapatnam has, therefore, requested to re-examine the benefit given under G.O. 455 in the light of the above facts.

13. The Government after careful examination of the proposal of the Special Officer, Urban Land Ceiling, Visakhapatnam and also the contentions put forth in the written statement filed by Sri Y. Chowdari Rao, hereby cancel the allotment of surplus land to an extent of 108.00 sq.mtrs., in Sy.No.56/1A2A of Butchirajupalem Village falling in Ward No.44 of Visakhapatnam Municipal Corporation in favour of Sri Y. Chowdari Rao in G.O. 1<sup>st</sup> read above.

14. Consequently, Government hereby exempt the surplus land to an extent of 108.00 sq.mtrs., in Sy.No.56/1A2A of Butchirajupalem Village falling in Ward No.44 of Visakhapatnam Municipal Corporation in favour of Smt. Chinthakayala Arundathi, W/o. late Jogendra Prasad.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K. RATNA PRABHA  
PRINCIPAL SECRETARY TO GOVERNMENT

To

(1) Smt. Chinthakayala Arundathi, W/o. late Sri Jogendra Prasad.

(2) Sri Y. Chowdari Rao, W/o. late Raghavayya.

(through the Special Officer,  
Urban Land Ceiling, Visakhapatnam).

The Special Officer, Urban Land Ceiling,  
Visakhapatnam.

The Special Chief Secretary & Chief Commissioner of  
Land Administration, A.P., Hyderabad.

The Principal Secretary to Govt., MA & UD. Dept.

The Commissioner & Inspector General of  
Registration & Stamps, A.P., Hyderabad.

The District Registrar, Visakhapatnam District.

The Sub Registrar concerned through the District Registrar,  
Visakhapatnam District.

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The Commissioner & Director of Survey, Settlements,  
Hyderabad.

The Assistant Director, Survey & Land Records,  
Visakhapatnam District. (through Commr. & D.O.S., Hyd.).

The Vice Chairman, VUDA., Visakhapatnam.

The District Collector, Visakhapatnam District.

The Mandal Revenue Officer concerned  
through the Collector, Visakhapatnam.

The Special Officer, ULC., Rev. Dept.  
SF/SC.

//FORWARDED BY ORDER//

SECTION OFFICER